Attorney Docket No.: 53951-144

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey H. BURBANK, et al. Confirmation No.: 6407

Appl. No.: 10/544,124 Examiner: Not Yet Assigned

Filing Date: August 7, 2006 Art Unit:3762

Title: WASTE BALANCING FOR EXTRACORPOREAL BLOOD

TREATMENT SYSTEMS

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56 and 37 CFR §1.97

Commissioner for Patents
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Listed on the attached Form PTO/SB/08A are documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 CFR §1.56. Enclosed for the Examiner's convenience is a copy of the listed documents. These materials are being submitted to comply with the provisions of 37 CFR §1.97-§1.98.

The citation of any document herewith, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

U.S. Serial No.: 10/544,124 Attorney Docket No.: 53951-144

CONCLUSION

Applicants respectfully request that the listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

Date: January 11, 2007

PROSKAUER ROSE LLP 1001 Pennsylvania Avenue, N.W. Suite 400 Washington, DC 20004

Telephone: (202) 416-6800 Facsimile: (202) 416-6899 CUSTOMER NO: 61263 Mark A. Catan

Attorney for Applicant Registration No. 38,720 Customer No. 61263

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

of 5

Sheet 1

Application Number 10/544,124 Filing Date August 7, 2006 First Named Inventor Jeffrey H. Burbank Art Unit 3762 Examiner Name Not Yet Assigned Attorney Docket Number 53951-144

Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where
Initials*	No.1	Document (valide)	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevan
		Number-Kind Code ^{2 (# known)}			Figures Appear
	<u> </u>	^{US-} 2003-0217962 A1	11-27-2003	CHILDERS, ET AL.	
	<u>L</u>	^{US-} 2004-0133145 A1	07-08-2004	BENE	
		^{US-} 2004-0215129 A1	10-28-2004	EDGSON, ET AL.	
		^{US-} 2004-0267184 A1	12-30-2004	BURBANK, ET AL.	
		US- 2004-0050789 A1	03-18-2004	ASH	
		^{US-} 2005-0126998 A1	06-16-2005	CHILDERS	
		^{US-} 2005-0131331 A1	06-16-2005	KELLY, ET AL.	
		^{US-} 2005-0131332 A1	06-16-2005	KELLY, ET AL.	
		^{US-} 2005-0171475 A1	08-04-2005	DELNEVO	
		^{US-} 2005-0197612 A1	09-08-2005	LEVIN, ET AL.	
		^{US-} 2005-0205476 A1	09-22-2005	CHEVALLET, ET AL.	
		^{US-} 2005-0209563 A1	09-22-2005	HOPPING, ET AL.	
		^{US-} 2005-0020958 A1	01-27-2005	PAOLINI, ET AL.	
		^{US-} 2005-0230292 A1	10-20-2005	BEDEN, ET AL.	
_		US- 2005-0234384 A1	10-20-2005	WESTBERG, ET AL.	
		US- 2005-0234385 A1	10-20-2005	VANDLIK, ET AL.	
		^{US-} 2005-0251086 A1	11-10-2005	STERNBY	
		^{US-} 2005-0043665 A1	02-24-2005	VINCI, ET AL.	
		^{US-} 2005-0045540 A1	03-03-2005	CONNELL, ET AL.	

		FORE	IGN PATENT DOCU	MENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
		Country Code ³ Number ⁴ Kind Code ⁵ (if known) MM-DD-YYYY			Or Relevant Figures Appear	
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Signature	Considered	

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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			Application Number	10/544,124	
IN	NFORMATION DISC	CLOSTIDE	Filing Date	August 7, 2006	
			First Named Inventor	Jeffrey H. Burbank	
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	(Use as many sheets as ne	cessary)	Examiner Name	Not Yet Assigned	
Sheet	2 of 5		Attorney Docket Number	53951-144	

	U. S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevan Figures Appear		
		Number-Kind Code ^{2 (if known)}	22.24.222		riguies Appear		
. <u>.</u>		^{US-} 2005-0061740 A1	03-24-2005	FELDING, ET AL.			
		^{US-} 2005-0065459 A1	03-24-2005	ZHANG, ET AL.	1		
		^{US-} 2005-070837 A1	03-31-2005	FERRARINI, ET AL.			
		^{US-} 2005-0082210 A1	04-21-2005	FAVRE			
		^{US-} 2005-0085760 A1	04-21-2005	WARE, ET AL.			
		^{US-} 2005-0090774 A1	04-28-2005	TONELLI, ET AL.			
		^{US-} 4,275,726	06-30-1981	FRESENIUS			
		^{US-} 4,479,760	10-30-1984	BILSTAD, ET AL.			
		^{US-} 4,479,761	10-30-1984	BILSTAD, ET AL.			
		^{US-} 4,479,762	10-30-1984	BILSTAD, ET AL.			
		^{US-} 4,576,603	03-18-1986	MOSS, ET AL.			
		^{US-} 4,596,550	06-24-1986	TROUTNER			
_		^{US-} 4,610,781	09-09-1986	BILSTAD, ET AL.			
		^{US-} 4,614,590	09-30-1986	RATH, ET AL.			
		^{US-} 4,617,115	10-14-1986	VANTARD			
		^{US-} 4,629,448	12-16-1986	CARLSSON, ET AL.			
		^{US-} 4,666,598	05-19-1987	HEATH, ET AL.			
		^{US-} 4,670,007	06-02-1987	WHEELDON, ET AL.			
		^{US-} 4,702,829	10-27-1987	POLASCHEGG, ET AL.			

	FOREIGN PATENT DOCUMENTS									
Examiner Initials*	Cite No.1		Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages					
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Signature	Considered		
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Substitute for form 1449/PTO

Sheet 3

(Use as many sheets as necessary)

Application Number	10/544,124	
Filing Date	August 7, 2006	_
First Named Inventor	Jeffrey H. Burbank	_
Art Unit	3762	_
Examiner Name	Not Yet Assigned	_
Attorney Docket Number	53951-144	_

Complete if Known

			U. S. PATENT	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number Number-Kind Code ^{2 (# known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		^{US-} 4,711,715	12-08-1987	POLASCHEGG	
		^{US-} 4,713,171	12-15-1987	POLASCHEGG	
		^{US-} 4,765,888	08-23-1988	BARTHE, ET AL.	
		^{US-} 4,770,787	09-13-1988	HEATH, ET AL.	
		^{US-} 4,857,199	08-15-1989	CORTIAL	
_		^{US-} 4,894,150	01-16-1990	SCHUREK	
<u> </u>		^{US-} 4,894,164	01-16-1990	POLASCHEGG	
		^{US-} 4,899,057	02-06-1990	KOJI	
		^{US-} 4,909,931	03-20-1990	ВІВІ	
		^{US-} 4,923,598	05-08-1990	SCHAL	
		^{US-} 4,950,395	08-21-1990	RICHALLEY	,
		^{US-} 4,997,570	03-05-1991	POLASCHEGG	
		^{US-} 5,194,157	03-16-1993	GHEZZI, ET AL.	
		^{US-} 5,211,849	05-18-1993	KITAEVICH, ET AL.	
		US- 5,247,434	09-21-1993	PETERSON, ET AL.	
		^{US-} 5,277,820	01-11-1994	ASH	
		^{US-} 5,344,568	09-06-1994	KITAEVICH, ET AL.	
		^{US-} 5,399,157	03-21-1995	GOUX, ET AL.	
		^{US-} 5,441,636	08-15-1995	CHEVALLET, ET AL.	

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Attorney Docket Number

Sheet 4

of 5

				DOCUMENTS	
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		^{US-} 5,470,483	11-28-1995	BENE, ET AL.	
		^{US-} 5,476,592	12-19-1995	SIMARD	
		^{US-} 5,484,397	01-16-1996	TWARDOWSKI	
		^{US-} 5,486,286	01-23-1996	PETERSON, ET AL.	
		^{US-} 5,487,827	01-30-1996	PETERSON, ET AL.	
		^{US-} 5,518,623	05-21-1996	KESHAVIAH, ET AL.	
		^{US-} 5,522,998	06-04-1996	POLASCHEGG	
		^{US-} 5,569,463	10-29-1996	HELMUS, ET AL.	
		^{US-} 5,616,305	04-01-1997	MATHIEU	
		^{US-} 5,662,806	09-02-1997	KESHAVIAH, ET AL.	
		^{US-} 5,679,245	10-21-1997	MANICA	
		^{US-} 5,698,090	12-16-1997	BENE, ET AL.	
		^{US-} 5,702,597	12-30-1997	CEHVALLET, ET AL.	
		^{US-} 5,725,776	03-10-1998	KENLEY, ET AL.	
		US- 5,744,027	04-28-1998	CONNELL, ET AL.	
		^{US-} 5,762,805	06-09-1998	TRUITT, ET AL.	
		^{US-} 5,776,345	07-07-1998	TRUITT, ET AL.	
		^{US-} 5,808,181	09-15-1998	WAMSIEDLER, ET AL.	
		^{US-} 5,836,908	11-17-1998	BEDEN, ET AL.	

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STATEMENT BY APPLICANT (Use as many sheets as necessary)

Sheet 5

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Filing Date	August 7, 2006			
First Named Inventor	Jeffrey H. Burbank			
Art Unit	3762			
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-		^{US-} 5,836,908	11-17-1998	BEDEN, ET AL.	
		^{US-} 5,846,419	12-08-1998	NEDERLOF	
		^{US-} 5,863,421	01-26-1999	PETER, ET AL.	
		^{US-} 5,871,694	02-16-1999	BEDEN, ET AL.	
		^{US-} 5,919,154	07-06-1999	TOAVS, ET AL.	
		^{US-} 5,951,870	09-14-1999	UTTERBERG	
		US- 6,039,877	03-21-2000	CHEVALLET, ET AL.	
		^{US-} 6,042,784	03-28-2000	WAMSIEDLER, ET AL.	
		^{US-} 6,044,691	04-04-2000	KENLEY, ET AL.	
		^{US-} 6,066,261	05-23-2000	SPICKERMANN	
		^{US-} 6,979,309	12-27-2005	BURBANK, ET AL.	
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